



May 16, 2011

Draper City Police Department  
Police Chief Mac Connole  
Officer John Patterson  
Officer D. Harris  
1020 East Pioneer Road  
Draper, UT 84020

*via hand-delivery and facsimile:*  
801-523-6887  
801-576-6511  
801-576-6372

Draper City  
Attention: Tracy B. Norr, CMC  
City Recorder  
1020 East Pioneer Road  
Draper, UT 84020

**Re: Joshua Chatwin v. Draper City Police Department *et al.*: Notice of Claim, Request for Agency Action, and GRAMA Request (Date of Event: May 18, 2010): 63G-7-401; 63G-7-202(3)(c); 68-3-8.5; §§1983 and 1985, Civil Rights Act; 78B-3-104, Fourth Amendment of the U.S. Constitution;**

To the Individuals and Entities listed above:

Please be advised that this letter constitutes a Notice of Claim against the individuals and entities noted above, for acts or omissions occurring during the performances and duties of Officers Patterson and D. Harris as employees of Draper City and of its police department,

---

2150 South 1300 East, Ste. 500  
Salt Lake City, Utah 84106  
lisa@marcylaw.com  
www.marcylaw.com

---

(Tel.) 801.359.2501  
1.877.37MARC  
(Fax.) 801.990.4601

Page 2

May 16, 2011

Chatwin v. Draper City Police Department, *et al.*

Notice of Claim, Request for Agency Action

within the scope of their employment or under the color of authority, causing injury to Joshua Chatwin.

On or about May 18, 2010, Mr. Chatwin was stopped at 12534 South 150 East, Draper, Utah for the suspicion of driving under the influence of alcohol by Draper City Police Officer D. Harris. Shortly thereafter, Office J. Patterson arrived to assist in the arrest. Officer Patterson performed a "search incident to arrest" on Mr. Chatwin which escalated when Officer Patterson threw Mr. Chatwin to the ground. Mr. Chatwin, at the time, was compliant, immobilized, and handcuffed behind his back.

An independent witness corroborated Mr. Chatwin's account of the assault. She testified about the attack at the preliminary hearing. Moreover, a second witness observed the events which occurred immediately after, including the officers' refusal to help Mr. Chatwin. (Instead of assisting Mr. Chatwin, the officers "high-fived" each other after they propped an unconscious or nearly unconscious Mr. Chatwin against one of their vehicles.) The officers acted with malice, thereby invoking the exception to the general grant of immunity.

Mr. Chatwin suffered extensive injuries as a result of this violent act. He fractured his skull, lost noticeable hearing in his left ear (the one which hit the curb), lost a significant amount of blood, received contusions and gashes, lost momentary consciousness, suffered a concussion and head injury, and may have scarring. He is currently under medical care, as his injuries and suffering will most surely increase.

Officer J. Patterson's violence caused Mr. Chatwin to incur over \$26,000 in medical bills. This number will increase as Mr. Chatwin seeks additional treatment.

Officers Patterson and Harris charged Mr. Chatwin with Disarming a Peace Officer, Assault by a Prisoner, Driving Under the Influence Of Alcohol, Interference with Arresting Officer, Driving on a Suspended License, Alcohol Restricted Driver, and Operating or Being In Actual Physical Control Without an Ignition Interlock System "Ignition Interlock." Mr. Chatwin pled to Driving Under the Influence of Alcohol and Ignition Interlock. The Salt Lake County District Attorney's Office dismissed the remaining charges with prejudice.<sup>1</sup>

---

<sup>1</sup> Mr. Chatwin understands that this dismissal does not constitute evidence of the impropriety of the officers' conduct; however, it does indicate disbelief by the prosecutor, based upon insufficient evidence, of the officers' allegations of aggression by Mr. Chatwin.

Page 3

May 16, 2011

Chatwin v. Draper City Police Department, *et al.*

Notice of Claim, Request for Agency Action

The actions of Officers Patterson and Harris “shock the conscience.” Upon information and belief, the City of Draper, the Draper City Police Department, and the officers conspired to hide the acts of these police officers and/or negligently supervised the officers, thereby exhibiting “deliberate indifference” to the officers’ malfeasance. Upon information and belief, these entities have allowed similar acts to occur without the requisite discipline.

These actions by Officers Patterson and Harris and the Draper City Police Department constitute excessive and abusive use of police powers and force and, as a proximate result of the Defendants’ wrongful actions, damaged Mr. Chatwin in an amount to be proven at trial. Mr. Chatwin will pursue an action against the individuals and entities listed above for assault, violations of his federal and state civil rights, including substantive due process, conspiracy, Fourth Amendment protections against unlawful seizure, negligent supervision, respondeat superior, malicious prosecution, negligence and/or gross negligence, and intentional and/or negligent infliction of emotional distress.

Officer Patterson’s actions resulted in personal and economic harm to Mr. Chatwin, including thousands of dollars in medical bills, legal fees, and costs to pursue this action. A young man, Mr. Chatwin may have suffered permanent injuries requiring future treatment and resulting medical costs, for many years, which are yet to be determined. As soon as the information becomes available, he will submit to you any permanent or partial impairment rating.

Mr. Chatwin also requests copies of all records, including documents and electronic and/or telephonic communications about any and all events involving his arrest and detention. This GRAMA request extends to all information about Mr. Chatwin’s entire criminal history.

Your response to either counsel listed below, both of whom represent Mr. Chatwin, will satisfy your statutory obligation to reply to this Notice.

MARCY LAW FIRM, PLLC



Lisa A. Marcy

---

2150 South 1300 East, Ste. 500  
Salt Lake City, Utah 84106  
lisa@marcylaw.com  
www.marcylaw.com

---

(Tel.) 801.359.2501  
1.877.37MARC  
(Fax.) 801.990.4601

Page 4

May 16, 2011

Chatwin v. Draper City Police Department, *et al.*

Notice of Claim, Request for Agency Action

JOHN K. JOHNSON, PLLC•



John K. Johnson•

Attorneys for Joshua Chatwin

cc: Joshua Chatwin

Doug Ahlstrom  
Draper City Attorney's Office  
1020 East Pioneer Road  
Draper, UT 84020

• a separate law firm, unaffiliated with Marcy Law Firm, PLLC. To contact John K. Johnson, please refer to the following

142 East 200 South, Ste. 312  
Salt Lake City, Utah 84111  
801-915-2616 (phone)  
801-359-1088 (fax)

---

2150 South 1300 East, Ste. 500  
Salt Lake City, Utah 84106  
[lisa@marcylaw.com](mailto:lisa@marcylaw.com)  
[www.marcylaw.com](http://www.marcylaw.com)

---

(Tel.) 801.359.2501  
1.877.37MARC  
(Fax.) 801.990.4601